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6 **IN THE UNITED STATES DISTRICT COURT**  
7 **FOR THE DISTRICT OF ARIZONA**  
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9 John Vincent Fitzgerald,

10 Petitioner,

11 v.

12 Ryan Thornell, et al.,

13 Respondents.  
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No. CV-19-05219-PHX-MTL

**ORDER**

DEATH PENALTY CASE

15 On February 11, 2025, Petitioner John Vincent Fitzgerald electronically filed a  
16 request to develop the evidence for his amended habeas corpus petition. (Doc. 99.) He also  
17 electronically attached 70 exhibits to the request (Docs. 99-1 through 99-70) and moved  
18 for leave to file three additional exhibits non-electronically (Doc. 100).<sup>1</sup> The Court may  
19 grant such leave when the exhibits are “not convertible to electronic form” or when the  
20 exhibits are “extremely large.” United States District Court, District of Arizona, Electronic  
21 Case Filing Administrative Policies and Procedures Manual (the Manual), § II(N)(2)  
22 (2025), <https://www.azd.uscourts.gov/sites/azd/files/adm%20manual.pdf>; *see Chappell v.*  
23 *Shinn*, No. CV-15-00478-PHX-SPL (D. Ariz. Oct. 21, 2022) (Doc. 123). Section II(N)(2)  
24 of the Manual also instructs how to properly file exhibits non-electronically:

- 25 a. The filing party must prepare an index and notice of filing in pleading  
26 format to be submitted with the exhibits or other documents. The  
27 caption of the index will state what document, if any, the exhibits are  
supporting. The actual exhibits must be tabbed and bound if  
appropriate.

28 <sup>1</sup> The 14-day time frame to respond to the motion has passed. *See* LRCiv 7.2(c).

b. The index and notice of filing must be electronically filed before the exhibits or other documents are delivered to the Clerk's Office. The index, notice of filing and exhibits or other documents must be served on the other parties by the filer.

*See Chappell*, No. CV-15-00478-PHX-SPL (Doc. 123).

For his request to develop the evidence, Fitzgerald seeks leave to file Exhibits 35, 48, and 53 non-electronically. (Doc. 100.) He states that Exhibit 35 is a recording of an interview and cannot be converted to an electronic form and that Exhibits 48 and 53 are medical records and “are too large” to file electronically, unless they are “split into numerous volumes.” (*Id.* at 1.) The descriptions of the three exhibits fit the criteria for non-electronic filing under Section II(N)(2) of the Manual, and Respondents have not opposed leave to file the three exhibits non-electronically.

Accordingly,

**IT IS ORDERED granting** Fitzgerald’s Motion for Leave to File Non-Electronic Exhibits (Doc. 100).

**IT IS FURTHER ORDERED** that, within **seven days** of this Order's filing date, Fitzgerald **shall** file Exhibits 35, 48, and 53, in compliance with Section II(N)(2)(a) and (b) of the Manual, directly with the Clerk of Court.

Dated this 26th day of February, 2025.

Michael T. Liburdi

Michael T. Liburdi  
United States District Judge